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EXAMINER

CONLEY, SEAN EVERETT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/074,992
Filing Date: February 13, 2002
Appellant(s): BURRIS ET AL.

Duane C. Basch
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/4/2006 appealing the office action mailed 3/32006, the reply brief filed 4/23/2007, and also in response to the decision from the Board of Patent Appeals and Interferences mailed on January 11, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: The rejection of claims 17 and 30 as being unpatentable over Engelhard in view of Burris are withdrawn.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of claims 17 and 30 as being unpatentable over Engelhard in view of Burris are withdrawn.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,824,243	CONTRERAS	10-1998
5,207,993	BURRIS	5-1993
5,942,125	ENGELHARD et al.	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-5 and 7-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Contreras U.S. patent No. 5,824,243 in view of Burris U.S. patent No. 5,207,993.

Contreras teaches a water ozonating system having a corona discharge ozone generator coupled to a water reservoir and pressurized liquid circulation system, to dispense active, disinfecting ozonated water to the circulation lines of a dental operatory unit to kill microorganisms therein. A check valve is provided to ensure that water does not reach the ozone generator, pressure control means are provided including a pump (10) for pressurized circulation and thus pressure regulation of the ozonated water. Control means are further provided to control activation, operation and delivery of the water (ball valve (3) to control water flow, a float valve (4) to regulate the incoming water level, and a water flow sensor (20) to activate the pump (10) (see col. 2, lines 58-68; see col. 3, lines 47-50). Ozone is mixed with the water in the reservoir through a diffuser and the action of the pump means and a venturi. Off gas is captured and returned to the reservoir (see the abstract, column 3, lines 35-68 and column 4, lines 11-20).

Burris et al., '993 teach a water purification device for point-of-use application wherein there is a liquid source, a corona discharge ozone generator, hydrophobic means (element (24)) for preventing access to the ozone generator by the liquid (see col. 3, lines 44-56), means for mixing the ozone and liquid, means for circulating the ozonated liquid, means for separating excess ozone gas from the ozonated liquid and destroying that excess ozone prior to atmospheric release, and means for maintaining the liquid source. Burris et al., '993 provide a positive pressure pump for mixing and circulating the ozonated water, while teaching the equivalence of static diffusers and venturi means, as well. Burris et al., '993 teach the use of the device for provision within

offices or compact location such as under sinks. See column 2, lines 40-68, column 3, lines 5-35 and 55-68, column 4, line 23 through column 5, line 35, and the figures.

It would have been well within the purview of one of ordinary skill in the art to employ the ozone off-gas destruction means of Burris in the system of Contreras, because it would provide for the safe disposal of that off-gas if the system requires abrupt shut-down which would not allow for the time consuming, natural dissipation of the off-gas as required by return of the off-gas to the reservoir.

With respect to claim 2, Contreras discloses a pressure regulation means (pump (10) for maintaining proper pressure in the liquid circulation passageway (waterlines (15) and (11)) (see col. 3, lines 10-35).

With respect to claim 4, Contreras discloses a control system (ball valve (3) to control water flow, a float valve (4) to regulate the incoming water level, and a water flow sensor (20) to activate the pump (10)) which cause the device to operate as desired to produce liquid containing dissolved ozone and to circulate and output liquid containing dissolved ozone (see col. 2, lines 58-68; see col. 3, lines 47-50; see figure).

With respect to claim 5, Contreras discloses an ozone generator (17) (see figure; see col. 3, lines 35-40) which is capable of generating more ozone than can be dissolved in water if that is the desired intended use of the device. One could reduce the water flow using the ball valve (3) such that only a few drops of water enter the storage tank (2) and thus the ozone filling the reservoir would be more than can be dissolved in the liquid flow. Therefore, the ozone generator is of size sufficient to generate more ozone than can be dissolved in the liquid flow.

With respect to claims 12 and 13, the insertion of the ozone off-gas destruction means of Burris into the device Contreras (as stated above for the rejection of claim 1) would result in device that includes a porous hydrophobic barrier (24) that prevents any liquid from entering the ozone reducing material (26) of the ozone destruct unit. It would have been obvious to one of ordinary skill in the art to substitute the check valve protecting the ozone generator of Contreras with the porous, hydrophobic barrier means (element (24)) of Burris since during a shutdown operation the element (24) would enable ozone off-gas to pass to the destruct unit (26) while at the same time prevent water from entering the destruct unit or the ozone generator via tubing (26).

With respect to claim 14, Contreras does provide a liquid source via inlet port (1). This source of water is preferably non-pressurized, however, it does not eliminate the use of pressurized water (see col. 2, lines 57-65). Therefore, the water from the water entry line may be pressurized and thus provides at least some of the pressure to circulate and output the ozonated liquid through waterline (11) (see figure).

With respect to claim 16, Burris discloses the use of a drain (57) from a reservoir (36). Pump (53) pressurizes the circulation system and ozonated water that is not used is output through the drain (57) (see figure 9; see col. 7, lines 32-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a drain line (57) into the liquid circulation line of Contreras in order to dispose of any unused ozonated water as exemplified by Burris.

With respect to claim 17, Contreras clearly teaches the use of the invention for dental operatory procedures (see abstract). Therefore, it would have been obvious to

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one of ordinary skill in the art at the time the invention was made that use of the device in a dental operatory procedure includes fluidly connecting all necessary dental operatory equipment requiring water, including a cuspidor drain structure, to the water ozonating system, in order to ensure that the surfaces and sources of water are clean and sterile.

With respect to claims 19, 20, and 25, Burris discloses a control system (30) which includes an ozone sensor (25) and an alarm to indicate that the system is not functioning properly. The activation of the alarm results in the ozone generator shutting down (see col. 4, lines 23-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Contreras and employ a control system comprising an ozone sensor and alarm as exemplified by Burris in order to ensure that the water contains dissolved ozone. Furthermore, the control system is capable of shutting down the pump system (20) in response to a lack of supply water (see col. 4, lines 33-34).

With respect to claims 23-24, Burris discloses the use of dried air that has passed through a dryer to help keep moisture out of the ozone generator (see col. 3, lines 7-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a dryer and supply dried air to the ozone generator of Contreras as exemplified by Burris in order to prevent moisture from getting into the ozone generator. Furthermore, the limitations of claim 24 are directed to functional language and do not impart any patentable structure to the device. The

dry air of Burris used in the system of Contreras is capable of being dried by a desiccant protected from moist air by valves when the device is not being operated.

With respect to claims 27-29, Contreras clearly discloses that the device may be used in dental operatory procedures for supplying sterile water (see abstract). It is well known that in dental operatory procedures the dental tools are air powered and often used in combination with water dispensing/rinsing devices. Thus, it is obvious that when the device of Contreras is used in a dental operatory procedures an ozonated water dispensing means (for example, a nozzle having a valve for turning on and off) would be connected to the device and furthermore is located very near air powered dental handpieces. It should be noted that the limitations of claim 29 do not further limit the structure of the claimed device. The claimed device does not require a source of air pressure, but only a valved dispensing means that is responsive to air pressure. A valved dispensing means that is responsive to air pressure is inherently disclosed by Contreras when the device is used in a dental operatory procedure.

With respect to claims 30-31, Although Contreras does not explicitly use the term "control means" it is clear that the device inherently has control means because Contreras states that the system provides for automatic replenishment of fresh water whenever active-ozonated water is used (see col. 2, lines 47-56). More specifically, the control system includes a ball valve (3) to control water flow, a float valve (4) to regulate the incoming water level, a water flow sensor (20) to activate the pump (10), and a solenoid valve (7) to shut off the water supply in response to activation of overflow switch (6) (see col. 2, lines 58-68; see col. 3, lines 1-10, 47-50). These

components all form part of a control system which ensures that the device operates as desired to produce liquid containing dissolved ozone and to circulate and output liquid containing dissolved ozone. Furthermore, the control system is capable of shutting down the device after a period of non-use. Contreras discloses the use of multiple sensors (water flow sensor (20) and overflow safety switch (6) mounted in the tank (2)) to prevent the tank from spilling over into the environment. A solenoid valve (7) (part of the control system) will shut the incoming water into the storage tank (2) when activated by the overflow safety switch (see col. 3, lines 1-10). Thus, Contreras teaches the claimed control system and sensor.

Claims 1-5 and 7-16, 18-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engelhard et al., U.S. patent No. 5,942,125 in view of Burris '993.

Engelhard et al., teach substantially the invention as claimed, namely an ozone generator connected to a source of Compressed air and a water line, with means to mix ozone and water to provide an active, ozonated water for distribution to the circulation lines of a dental operatory unit. Pressure control and monitoring means are provided as well as ozone sensors, and the operation of the system is controlled based on those measured parameters. Off gas is sent through means to destroy any residual ozone prior to release to the atmosphere. Means are also provided to protect the ozone generator from contact with water. The ozone generator of Engelhard et al. is an UV generator. See column 2, lines 33-40, column 3, lines 35-68, column 4, lines 10-20 and lines 31-43, and column 5, lines 10-35.

Burris is applied as set forth above.

It would have been well within the purview of one of ordinary skill in the art to substitute the corona discharge ozone generation means of Burris for the UV generator of Engelhard et al., because of their conventionally recognized functional equivalence.

With respect to claim 5, Engelhard discloses an ozone generator (16) which is capable of generating more ozone than can be dissolved in water if that is the desired intended use of the device. One could reduce the water flow such that only a few drops of water enter the tank (12) and thus the ozone filling the tank (12) would be more than can be dissolved in the liquid flow (see col. 3, lines 35-56; see figures 1-2). Therefore, the ozone generator is of size sufficient size to generate more ozone than can be dissolved in the liquid flow.

With respect to claim 8, Engelhard discloses the use of a sparger (32) to inject ozone into the water. The sparger (32) functions as a static mixer (see figures 1-2; see col. 3, lines 50-56).

With respect to claim 13, it would have been obvious to one of ordinary skill in the art to substitute the check valve protecting the ozone generator of Engelhard et al., with the porous, hydrophobic barrier means of Burris because it would provide a more simply means of protecting the generator irrespective of the pressure within the system and without mechanically moving parts.

With respect to claim 14, Engelhard discloses that water is introduced into the system via water line (14) (see figure 1; see col. 3, lines 35-38). All water is under

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some amount of pressure as it is introduced. Therefore, the pressure in the water is capable of providing pressure to circulate and output the ozonated fluid if so desired.

With respect to claims 16 and 17, Engelhard discloses a drain (70) connected to a waste line (82) capable of functioning as claimed (see figure 1; see col. 4, lines 21-42).

With respect to claim 19 and 25, Burris discloses a control system (30) which includes an ozone sensor (25) and an alarm to indicate that the system is not functioning properly. The activation of the alarm results in the ozone generator shutting down (see col. 4, lines 23-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Engelhard and employ a control system comprising an ozone sensor and alarm as exemplified by Burris in order to ensure that the water contains dissolved ozone. Furthermore, the control system is capable of shutting down the pump system (20) in response to a lack of supply water (see col. 4, lines 33-34).

With respect to claim 23, Burris discloses the use of dried air that has passed through a dryer to help keep moisture out of the ozone generator (see col. 3, lines 7-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a dryer and supply dried air to the ozone generator of Engelhard as exemplified by Burris in order to prevent moisture from getting into the ozone generator.

With respect to claims 27-29, Engelhard teaches that the ozonated water produced within container (12) is discharged into conduit (62). The conduit serves as a

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water line to provide ozonated water to a manifold attached to each dental chair and in fluid communication with dental implements and other devices that normally discharge the water received (i.e. valved dispensers) (see col. 4, lines 10-20). It should be noted that the limitations of claim 29 do not further limit the structure of the claimed device.

The claimed device does not require a source of air pressure, but only a valved dispensing means that is responsive to air pressure.

With respect to claim 31, Engelhard discloses a control system (electronics assembly (34) connected to a suitable power source and thus provides control of the ozone generator. The electronics assembly (34) is capable of turning the device off in response to a period of non-use (see col. 3, lines 57-63).

(10) Response to Arguments

Were claims 1 - 5 and 7 - 31 properly rejected under 35 USC §103(a) as being unpatentable over Contreras in view of Burris? (1st Question)

Appellants arguments with respect to the rejection of claims 1, 3, 7-11, 15, 18, 21, 22, and 26 under 35 U.S.C. 103(a) as unpatentable over Contreras in view of Burris are moot in response to the Board of Appeals decision affirming the rejection of these claims.

The Examiner will now address the remaining arguments with respect to the rejection of dependent claims 2, 4, 5, 12-14, 16, 17, 19, 20, 23-25, and 27-31 as being unpatentable over Contreras in view of Burris.

Claim 2 – Appellants argue that the limitation of "pressure regulation means maintains proper pressure in the liquid circulation passageway" has not been established. This argument is not persuasive. The final rejection of claim 2 clearly indicates that the pump (10) controls pressure and therefore is a pressure regulation means capable of maintaining a proper pressure in the liquid circulation passageway (waterlines (15) and (11)). The "pressure regulator 21" of Contreras has not been relied upon as a means of regulating pressure in the liquid circulation passageway.

Claim 4 – Appellants argue that that they are unable to identify what basis the Examiner relies upon for the recited control means as the term does not appear to be used in Contreras. This argument is not persuasive. Although Contreras does not explicitly use the term "control means" it is clear that the device inherently has control means because Contreras states that the system provides for automatic replenishment of fresh water whenever active-ozonated water is used (see coil. 2, lines 47-56). More specifically, the control system includes a ball valve (3) to control water flow, a float valve (4) to regulate the incoming water level, and a water flow sensor (20) to activate the pump (10) (see col. 2, lines 58-68; see col. 3, lines 47-50). These components all form part of a control system which ensures that the device operates as desired to produce liquid containing dissolved ozone and to circulate and output liquid containing dissolved ozone.

Claim 5 – Appellant argues that Contreras cannot be relied upon for teaching the recited limitation of "more ozone than can be dissolved in the liquid flow". The Appellants further state that Contreras also fails to teach a recognition of the advantage

of maintaining excess ozone, and should not be construed as giving rise to the limitations set forth in claim 5. These arguments are not persuasive because they are directed to an intended use of the device. Contreras discloses an ozone generator (17) which is capable of generating more ozone than can be dissolved in water if that is the desired intended use of the device. One could reduce the water flow using the ball valve (3) such that only a few drops of water enter the storage tank (2) and thus the ozone filling the reservoir would be more than can be dissolved in the liquid flow. Therefore, the ozone generator is of size sufficient size to generate more ozone than can be dissolved in the liquid flow.

Claims 12-13 – Appellant argues that there is no motivation to combine the ozone reducer of Burriss with the system of Contreras. However, this argument is not persuasive as the Board of Appeals has affirmed the rejection of claim 1 based upon this combination of elements. The combination of Contreras in view of Burriss results in the ozone destruct unit of Burriss being attached to the ozone return tubing (26) of Contreras so that, during a shutdown mode, the ozone off gas is destroyed before entering into the atmosphere. Thus, it would have been obvious to replace the check valve of Contreras with the porous, hydrophobic barrier element of Burriss to prevent water from entering into the ozone destruct unit as well as the ozone generator.

Claim 14 – The Appellant argues that the rejection fails to set forth any teaching of the use of the liquid source providing pressure to circulate and output ozonated liquid. This argument is not persuasive. Contreras does provide a liquid source via inlet port (1). This source of water is preferably non-pressurized, however, it does not eliminate

the use of pressurized water (see col. 2, lines 57-65). Therefore, the water from the water entry line may be pressurized and thus provides at least some of the pressure to circulate and output the ozonated liquid via water line (11).

Claim 16 – Appellant argues that the drain of Burris is not a pressurized liquid recirculation passageway as recited in the limitations of claim 16. This argument is not commensurate in scope with the claim and is therefore not persuasive. Claim 16 does not require the waste line (drain) to be a pressurized liquid circulation passageway. The waste line only needs to be fluidly connected to the pressurized liquid circulation system to meet the recited claim limitation. Burris teaches a drain line that is fluidly connected to a pressurized liquid circulation system.

Claim 17 – Appellant contends that the Examiner is relying on an inherency argument but has failed to set forth the requisite proof that no alternatives are available. This argument is not persuasive. Contreras clearly teaches the use of the invention for dental operatory procedures (see abstract) and therefore, it would have been obvious to one of ordinary skill in the art that the use of the device in a dental operatory procedure would include employing a cuspidor drain structure.

Claims 19-20 - Appellant argues that the ozone sensor of claims 19 and 20 is not provided nor can it be found in the recitation of Burris column 2, lines 23-33 indicated in the Advisory. The Examiner would note that Appellant was directed to column 4, lines 23-33 in the Advisory, which clearly discusses the provision of an ozone sensor.

Claims 23-24 - Appellant further argues with respect to claims 23 and 24, that while Burris does suggest the provision of a dryer, the dryer of an operatory unit is not

suggested, however, the Examiner would note that the claims are rejected under the combination of Contreras and Burris with Contreras teaching the use with a dental operatory unit. Furthermore, Appellant has failed to positively claim the structure of claim 24 that is part of the device and performs the claimed function. Claims 23 and 24 only require a source of dried air and Burris has provided this conventional teaching (see col. 3, lines 7-13). The dry air of Burris used in the system of Contreras is capable of being dried by a desiccant protected from moist air by valves when the device is not being operated.

Claim 25 – Appellant argues that in column 2, lines 23-33 of Burris does not mention a control system responsive to a lack of water supply. The Examiner would note that Appellant was directed to column 4, lines 23-33 in the Advisory, which clearly discusses the provision of a control system (30) which is capable of shutting down the pumping system in response to a lack of supply water.

Claims 27-29 – Appellant argues that Contreras fails to inherently disclose the features of claims 27-29. This argument is not persuasive. Contreras clearly discloses that the device may be used in dental operatory procedures for supplying sterile water (see abstract). It is well known that in dental operatory procedures the dental tools are air powered and often used in combination with water dispensing/rinsing devices. Thus, it is obvious that when the device of Contreras is used in a dental operatory procedures an ozonated water dispensing means (for example, a nozzle having a valve for turning on and off) would be connected to the device and furthermore is located very near air powered dental handpieces. It should

be noted that the limitations of claim 29 do not further limit the structure of the claimed device. The claimed device does not require a source of air pressure, but only a valved dispensing means that is responsive to air pressure. A valved dispensing means that is responsive to air pressure is inherently disclosed by Contreras when the device is used in a dental operatory procedure.

Claims 30-31 – Appellant argues that Contreras does not explicitly teach a “control means” nor a “sensor” that function as recited in claims 30-31. The Examiner disagrees. Although Contreras does not explicitly use the term “control means” it is clear that the device inherently has control means because Contreras states that the system provides for automatic replenishment of fresh water whenever active-ozonated water is used (see coil. 2, lines 47-56). More specifically, the control system includes a ball valve (3) to control water flow, a float valve (4) to regulate the incoming water level, a water flow sensor (20) to activate the pump (10), and a solenoid valve (7) (see col. 2, lines 58-68; see col. 3, lines 47-50). These components all form part of a control system which ensures that the device operates as desired to produce liquid containing dissolved ozone and to circulate and output liquid containing dissolved ozone. Furthermore, the control system is capable of shutting down the device after a period of non-use. Contreras also teaches the use of multiple sensors (water flow sensor (20) and overflow safety switch (6) mounted in the tank (2)) to prevent the tank from spilling over into the environment. A solenoid valve (7) (part of the control system) will shut the incoming water into the storage tank (2) when activated by the overflow safety switch (see col. 3, lines 1-10). Thus, Contreras teaches the claimed control system and sensor.

Were claims 1 - 5 and 7 - 31 properly rejected under 35 USC §103(a) as being unpatentable over Engelhard in view of Burris? (2nd Question)

Appellants arguments with respect to the rejection of claims 1-4, 7, 9-13, 15, 18, 20-22, 24, and 26 under 35 U.S.C. 103(a) as unpatentable over Engelhard in view of Burris are moot in response to the Board of Appeals decision affirming the rejection of these claims.

The Examiner will now address the remaining arguments with respect to the rejection of dependent claims 5, 8, 14, 16, 17, 19, 23, 25, and 27-31 as being unpatentable over Engelhard in view of Burris.

Claim 5 - Appellant argues that Engelhard fails to teach a recognition of the advantage of maintaining excess ozone, and should not be construed as giving rise to the limitations as set forth in claim 5. The Examiner disagrees. This argument is not persuasive because it is directed to an intended use of the device. Engelhard discloses an ozone generator (16) which is capable of generating more ozone than can be dissolved in water if that is the desired intended use of the device. One could reduce the water flow such that only a few drops of water enter the tank (12) and thus the ozone filling the tank (12) would be more than can be dissolved in the liquid flow

(see col. 3, lines 35-56; see figures 1-2). Therefore, the ozone generator is of size sufficient size to generate more ozone than can be dissolved in the liquid flow.

Claim 8 – Appellant argues that Engelhard does not use the term “static mixer”. This argument is not persuasive. Engelhard may not use the exact term “static mixer” but does disclose a static mixer. Engelhard discloses the use of a sparger (32) to inject ozone into the water. This sparger (32) functions as a static mixer (see figures 1-2; see col. 3, lines 50-56).

Claim 14– Appellant argues that the rejection fails to set forth any teaching of the use of the liquid source providing pressure to circulate and output the ozonated liquid. This argument is not persuasive since it is directed to an intended use of the device. Engelhard discloses that water is introduced into the system via water line (14) (see figure 1; see col. 3, lines 35-38). All water is under some amount of pressure as it is introduced. Therefore, the pressure in the water is capable of providing pressure to circulate and output the ozonated fluid if so desired.

Claims 16-17 – Appellant argues that Engelhard or Burris do not teach a waste line or ozonated water that rinses a cuspidor before entering the waste line. The Examiner disagrees with the argument directed to the waste line but does agree with the argument directed to the cuspidor. Engelhard clearly discloses a drain (70) connected to a waste line (82) that is capable of functioning as claimed (see figure 1; see col. 4, lines 21-42).

Claim 19 – Appellants argue that Engelhard fails to teach the ozone sensor connected to an alarm. The Examiner agrees, however, Burris has been relied upon to teach the claimed ozone sensor and alarm.

Claims 23 – Appellants argue Appellants argue that the rejection fails to set forth a teaching of the use of operatory unit dried air as the source of oxygen for the ozone generator. The Examiner disagrees. Burris discloses the use of dried air that has passed through a dryer to help keep moisture out of the ozone generator (see col. 3, lines 7-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a dryer and supply dried air to the ozone generator of the operatory device of Engelhard as exemplified by Burris in order to prevent moisture from getting into the ozone generator.

Claim 25 – Appellant argues that neither Engelhard nor Burris mention a control system responsive to a lack of water supply. The Examiner would note that Appellant was directed to column 4, lines 23-33 of Burris in the Advisory, which clearly discusses the provision of a control system (30) which is capable of shutting down the pumping system in response to a lack of supply water.

Claims 27-29 - Appellant argues that Engelhard fails to inherently disclose the features of claims 27-29. This argument is not persuasive. Engelhard teaches that the ozonated water produced within container (12) is discharged into conduit (62). The conduit serves as a water line to provide ozonated water to a manifold attached to each dental chair and in fluid communication with dental implements and other devices that normally discharge the water received (i.e. valved dispensers) (see col. 4, lines 10-20).

Claims 30-31 – Appellant argues that no teaching has been set forth in Engelhard or Burris for the limitations recited in claims 30-31. The Examiner agrees with respect to claim 30. However, with respect to claim 31, the Examiner disagrees. Engelhard discloses a control system (electronics assembly (34) connected to a suitable power source and thus provides control of the ozone generator. The electronics assembly (34) is capable of turning the device off in response to a period of non-use (see col. 3, lines 57-63).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sean E Conley/

Patent Examiner AU 1797

/Jill Warden/

Supervisory Patent Examiner, Art Unit 1797

Conferees:

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